

AF / \$ JPL



PATENT
Customer No. 22,852
Attorney Docket No. 2405.0167-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Mads Liendgaard Vigh et al.) Group Art Unit: 1623
)
Application No.: 09/255,655) Examiner: H. Owens, Jr.
)
Filed: February 23, 1999)
)
For: USE OF D-TAGATOSE AS A) Confirmation No.: 8849
PREBIOTIC FOOD COMPONENT)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(d)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after a Final Action and is accompanied by a fee of \$180.00 as specified under § 1.17(p) and a certification as specified under § 1.97(e). Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The cited JP06-065080 document listed in this Information Disclosure Statement was first cited in a communication from the Korean Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

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Copies of the listed foreign and non-patent literature documents are attached.
Copies of the U.S. patent publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

In lieu of a translation or statement of relevance of JP06-065080, English-language patent equivalents have been submitted. An English abstract is also enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 21, 2005

By: Charles E. Van Horn
Charles E. Van Horn
Reg. No. 40,266

IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known Application Number: 09/255,655 Filing Date: February 23, 1999 First Named Inventor: Mads Liendgaard Vigh et al. Art Unit: 1623 Examiner Name: H. Owens, Jr. Attorney Docket Number: 2405.0167-00	
Sheet	1	of	1		

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-5,468,734	11/21/1995	Seri et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		EP 0 560 284 B1	07/09/1997	Godo Shusei Co., Ltd.		
		JP06-065080	03/08/1994	Godo Shiyusei KK		no - abstract

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶

Examiner Signature	Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.